

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action dated May 11, 2005. Claims 1-6, 8-13, and 41 are pending in the present application. Claims 1-6, 8-13, and 41 have been rejected. Claims 1-6, 8-13, and 41 are pending. For the reasons set forth more fully below, Applicant respectfully submits that the claims as presented are allowable. Consequently, reconsideration, allowance, and passage to issue are respectfully requested.

#### **Claim Rejections - 35 U.S.C. §103**

The Examiner has stated:

**Claims 1-6, 8-13, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kagami et al. in view of Brewer et al. and Official Notice.**

**Kagami et al. disclose or inherently teach the limitations of the claim 1 (see specifically Fig. 2, and Col. 5, lines 6-41); except the reference lacks the specific teaching of the time frame comprising a range of particular times within a particular day, “notifying an interested party” (the reference only teaches giving “advice to modify”; Col. 5, lines 40-41), and adjusting the corresponding time frame for a particular individual item if the estimated sales projection for the particular item does not exceed a minimum criteria.**

**Brewer et al. teach an inventory control apparatus whereby inventory can monitored over a range of particular times within a particular day (See, for example, Col. 3, lines 35-46).**

**It would be obvious to one of ordinary skill in the art at the time of the invention to modify Kagami et al. to have the time frame comprise a range of times within a particular day, in view of Brewer et al., in order to “produce a highly flexible system tailoring reports to a users requirements” (See Brewer et al., Col. 3, lines 44-46).**

**Further, it would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to modify Kagami et al. to notify “an interested party”, of the advice to modify the inventory control system in order to provide a manager with the necessary information to act on the advice and hence change the system to improve the system’s future accuracy.**

**Further, the Examiner takes Official Notice that it is well known in sales to adjust the corresponding time frame for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria. For example, in real estate, an owner of a property has to have his house sold within two weeks due to a job transfer. The real estate agent has been selling houses in the neighborhood within one month on average (thus, the sales projection for this individual item is one month). Because the estimated sales projection (one every month) does not exceed the minimum criteria set by the**

owner of two weeks, the real estate agent has to adjust the corresponding time frame for selling the house to two weeks. Of course, in order to sell the house in two weeks, the agent would probably have to increase the demand for the house by either lowering the price or working harder to find more buyers. Thus, this example describes how it is common in everyday business/sales to adjust the corresponding time frame for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria...

### **Response to Arguments**

Applicant's arguments filed 12/20/2004 have been fully considered but they are not persuasive.

Applicant argues on pages 14-15 of the REMARKS/ARGUMENTS that Brewer does not teach or suggest the time frame "comprising a range of particular items within a particular day", as recited in claim 1. However, the Examiner disagrees. Brewer specifically teaches that the time span can be "any time span....where the time span may be within the last hour" (Col. 3, lines 37-38). The terminology teaches the limitation of the claim in that "the last hour" includes a range (one hour) of particular times (i.e. between 4pm and 5pm) within a particular day (the present day).

Further, applicant argues that Brewer explicitly defines the time span such that "the span may be in the last hour, may be the last day, may be the last week, may be the last month". However, the language is not an explicit definition, but rather a list of examples of Brewer's terminology, "any time span". Column 3, line 40 of Brewer, additionally states that the time frames "may be any other time span". In no way does Brewer teach away from anything, as applicant argues, but rather specifically teaches applicant's limitation in claim 1 of, "comprising a range of particular times within a particular day".

Applicant respectfully disagrees with the Examiner's rejections. The present invention is directed to a method for analyzing inventory information using time frames. In accordance with the present invention, the method comprises determining estimated sales projections for individual items. Each individual item has a corresponding time frame comprising a range of hours within a particular day. The corresponding time frame is adjusted for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria. The sales data for the individual items in the corresponding time frames is collected and analyzed with the estimated sales projections for the individual items in the corresponding time frames. Finally, an interested party or a system is notified shortly after the end of said corresponding time frame upon determination that any items of the individual items

in the corresponding time frames have performed unexpectedly versus the estimated sales projections.

The interested party may then take appropriate corrective actions to solve the problem as to why the sales of any items performed unexpectedly. By identifying and reporting items that have performed unexpectedly shortly after the end of the particular time frame, problems can be solved quickly and thereby save the retailer the cost of forgone revenue, lost potential for additional business, reduced profit margins, etc. (Summary). Kagami in view of Brewer does not teach or suggest these features, as discussed below.

Kagami discloses an inventory control method that warns against the excess or deficiency of a stock of goods. Kagami groups goods into classes where each class exhibits a similar life cycle or specific character of sale results. The sales results are monitored and compared to the change of sales, which is forecasted using a sales change model pattern of each class. If the accuracy of the forecasted sales is poor, the sales change model pattern is modified and used to determine a stock warning index, which provides information on the excess or deficiency of stock. The inventory control method helps to determine a date to order goods and an amount of goods to order for a particular sale season (Background, Summary, Fig. 2, and column 5, lines 6-41).

Brewer discloses an apparatus that stores stock for retrieval. The apparatus maintains an inventory of the stock contained within and produces an invoice as stock is removed. Reports may be produced regarding stock removed from the apparatus in any time span, where the time span may be in the last hour, may be the last day, may be the last week, may be the last month, etc. (Abstract and column 3, lines 35-46.)

Applicant agrees with the Examiner the Kagami lacks the specific teaching of a time frame comprising a range of hours. Applicant respectfully submits that Brewer does not teach or suggest the time frame “comprising a range of **particular times** within a **particular day**,” as recited in amended independent claim 1. The Examiner has referred to column 3, lines 37-40, of Brewer as teaching this feature. However, Brewer merely describes various time spans and does not specifically describe times or days of those time spans. Brewer merely defines a time span “where the span may be in the **last hour**, may be the **last day**, may be the **last week**, maybe the **last month** or may be any other time span” (column 3, lines 35-40). Even if a time span may be any other time span (e.g., the last two months, the last year, etc.), Brewer describes time spans that are the most recent time periods. This *teaches away* from time spans that are **not** in the most recent time period. In other words, even if the time span of Brewer could be any length of time, nowhere does Brewer specifically teach a “range of particular times” or “a particular day,” as recited in the present invention. In contrast to Brewer, a time frame as recited in independent claim 1 comprises a range of **particular times** (e.g., between 12:00 p.m. to 3:30 p.m.) on a **particular day** (e.g., on a Monday). Brewer does not specifically teach this feature.

A benefit of the present invention is that an interested party such as a store manager can take appropriate corrective actions in real-time to solve the problem of why sales of an item performed unexpectedly **during a particular range of hours** and on a **particular day**. For example, if sales of an item are less than expected between 12:00 p.m. to 3:30 p.m. on a Monday and between 3:00 p.m. to 5:00 p.m. on a Tuesday, the store manager can determine in real-time if the item needs to be placed in a better location, needs to be displayed in a different way, or if the store shelf for the item was empty and more units of the item needed to be moved from the

warehouse to the store shelf during **particular times** on **particular days** (e.g., between 12:00 p.m. to 3:30 p.m. on Mondays and between 3:00 p.m. to 5:00 p.m. on a Tuesdays).

Furthermore, an interested party or system is notified “shortly after the end of said corresponding time frame upon determination that any items of said individual items in said corresponding time frames have performed unexpectedly versus said estimated sales projections,” as recited in independent claim 1. Brewer cannot provide this benefit, because Brewer merely indicates the most recent time span and does not specifically describe both particular times and particular days as in the present invention.

Therefore, Kagami in view of Brewer does not teach or suggest the present invention as recited in independent claim 1, and claim 1 is allowable over Kagami in view of Brewer.

#### Remaining dependent claims

Dependent claims 2-6, 8-13, and 41 depend from amended independent claim 1. Accordingly, the above-articulated arguments related to amended independent claim 1 apply with equal force to claims 2-6, 8-13, and 41, which are thus allowable over the cited reference for at least the same reasons as claim 1.

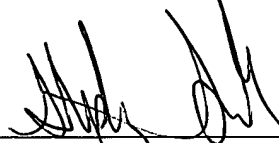
#### Conclusion

In view of the foregoing, Applicant submits that claims 1-6, 8-13, and 41 are patentable over the cited reference. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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